

DENTAL BOARD[650]

Adopted and Filed

Rule making related to licensing regulation, fees, veterans and military spouses

The Dental Board hereby amends Chapter 11, “Licensure and Registration,” and Chapter 52, “Military Service and Veteran Reciprocity,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 147.76 and 2022 Iowa Acts, Senate File 2383.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2022 Iowa Acts, Senate File 2383.

Purpose and Summary

These amendments implement the licensure-related provisions of 2022 Iowa Acts, Senate File 2383. This rule making revises the requirements for licensure by verification and updates the requirements and parameters of licensure for veterans and their spouses.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 16, 2022, as **ARC 6666C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on January 27, 2023.

Fiscal Impact

This rule making will have limited fiscal impact. The provisions of this rule making waive the initial application and renewal fees for veterans who were honorably or generally discharged within the previous five years; however, the overall number of applications that meet these criteria is low.

Jobs Impact

After analysis and review of this rule making, there may be a positive impact on jobs since it streamlines and removes some of the requirements related to licensure by verification. Additionally, it clearly provides an alternative pathway to licensure of spouses of veterans when moving to Iowa.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to rule 650—7.4(17A,147,153).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 12, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend rule 650—11.9(272C) as follows:

650—11.9(272C) Registration by verification. Registration by verification is available in accordance with the following:

11.9(1) Eligibility. A dental assistant may seek registration by verification if the person is currently licensed or registered as a dental assistant in at least one other jurisdiction that has a scope of practice substantially similar to that of Iowa, ~~the person has been licensed or registered for a minimum of one year in the other jurisdiction, and either:~~

~~a. The person relocates and establishes residency in the state of Iowa; or~~

~~b. The person is married to an active duty member of the military forces of the United States and is accompanying the member on an official permanent change of station to a military installation located in the state of Iowa.~~

11.9(2) Board application. The applicant must submit the following:

~~a. A completed application for registration.~~

~~b. Payment of the application fee.~~

~~c. A verification form, completed by the licensing authority in the jurisdiction that issued the applicant's license or registration, verifying that the applicant's license or registration in that jurisdiction complies with the requirements of Iowa Code section 272C.12. The completed verification form must be sent directly from the licensing authority to the board.~~

~~d. Proof of residency in the state of Iowa or proof of military member's official permanent change of station. Proof of residency includes:~~

~~(1) A residential mortgage, lease, or rental agreement;~~

~~(2) A utility bill;~~

~~(3) A bank statement;~~

~~(4) A paycheck or pay stub;~~

~~(5) A property tax statement;~~

~~(6) A federal or state government document; or~~

~~(7) Any other board-approved document that reliably confirms Iowa residency.~~

~~e. d. Evidence of successful completion of a board-approved jurisprudence examination with a grade of at least 75 percent.~~

~~f. e. Copies of complete criminal record, if the applicant has a criminal history.~~

~~g. f. A copy of the relevant disciplinary documents, if another jurisdiction has taken disciplinary action against the applicant.~~

~~h. g. A written statement from the applicant detailing the scope of practice in the other state.~~

~~i. h. Copies of relevant laws setting forth the scope of practice in the other state.~~

11.9(3) to 11.9(5) No change.

This rule is intended to implement Iowa Code section 272C.12.

ITEM 2. Amend rule 650—11.14(272C) as follows:

650—11.14(272C) Licensure by verification. Licensure by verification is available in accordance with the following:

11.14(1) Eligibility. A dentist or dental hygienist may seek licensure by verification if the person is currently licensed as a dentist or dental hygienist in at least one other jurisdiction that has a scope of

practice substantially similar to that of Iowa, ~~the person has been licensed for a minimum of one year in the other jurisdiction and either:~~

- ~~a. The person relocates and establishes residency in the state of Iowa; or~~
- ~~b. The person is married to an active duty member of the military forces of the United States and is accompanying the member on an official permanent change of station to a military installation located in the state of Iowa.~~

11.14(2) Board application. The applicant must submit the following:

- a. A completed application for licensure.
- b. Payment of the application fee.
- c. A completed fingerprint packet to facilitate a criminal history background check by the DCI and FBI.
- d. A verification form, completed by the licensing authority in the jurisdiction that issued the applicant's license, verifying that the applicant's license in that jurisdiction complies with the requirements of Iowa Code section 272C.12. The completed verification form must be sent directly from the licensing authority to the board.
- ~~e. Proof of residency in the state of Iowa or proof of military member's official permanent change of station. Proof of residency includes:
 - (1) A residential mortgage, lease, or rental agreement;
 - (2) A utility bill;
 - (3) A bank statement;
 - (4) A paycheck or pay stub;
 - (5) A property tax statement;
 - (6) A federal or state government document; or
 - (7) Any other board-approved document that reliably confirms Iowa residency.~~
- ~~f. e.~~ Evidence of successful completion of a board-approved jurisprudence examination with a grade of at least 75 percent.
- ~~g. f.~~ Copies of complete criminal record, if the applicant has a criminal history.
- ~~h. g.~~ A copy of the relevant disciplinary documents, if another jurisdiction has taken disciplinary action against the applicant.
- ~~i. h.~~ A written statement from the applicant detailing the scope of practice in the other state.
- ~~j. i.~~ Copies of relevant laws setting forth the scope of practice in the other state.

11.14(3) to 11.14(5) No change.

This rule is intended to implement Iowa Code section 272C.12.

ITEM 3. Adopt the following **new** definition of "Spouse" in rule ~~650—52.1(272C)~~:

"Spouse" means a spouse of an active duty member of the military forces of the United States.

ITEM 4. Amend rule ~~650—52.3(272C)~~ as follows:

~~650—52.3(272C) Veteran and spouse reciprocity.~~

~~52.3(1)~~ A veteran or spouse with an unrestricted professional license in another jurisdiction may apply for licensure in Iowa through reciprocity. A veteran or spouse must pass any examinations required for licensure to be eligible for licensure through reciprocity. A fully completed application for licensure submitted by a veteran or spouse under this subrule shall be given priority and shall be expedited.

~~52.3(2)~~ An application for licensure by reciprocity shall contain all of the information required of all applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check. The applicant shall use the same forms as any other applicant for licensure by reciprocity and shall additionally provide such documentation as is reasonably needed to verify the applicant's status as a veteran under Iowa Code section 35.1(2) or as a spouse of an active duty member of the military forces of the United States.

52.3(3) Upon receipt of a fully completed licensure application, the board shall promptly determine if the ~~professional or occupational licensing requirements of~~ scope of practice in the jurisdiction where the veteran applicant is licensed ~~are~~ is substantially equivalent to the ~~licensing requirements~~ scope of practice in Iowa. The board shall make this determination based on information supplied by the applicant and such additional information as the board may acquire from the applicable jurisdiction. ~~The board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, postgraduate experience, and examinations required for licensure.~~

52.3(4) The board shall promptly grant a license to the ~~veteran if the veteran applicant if the applicant~~ veteran applicant if the applicant is licensed in the same or similar profession in another jurisdiction whose ~~licensure requirements are~~ scope of practice is substantially equivalent to ~~those required~~ the scope of practice in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant's disciplinary or criminal background.

52.3(5) If the board determines that the ~~licensure requirements~~ scope of practice in the jurisdiction in which the veteran applicant is licensed ~~are~~ is not substantially equivalent to ~~those required~~ the scope of practice in Iowa, the board shall promptly inform the ~~veteran applicant~~ veteran applicant of the additional ~~experience,~~ experience, education, or ~~examinations~~ training required for licensure in Iowa. Unless the applicant is ineligible for licensure based on other grounds, such as disciplinary or criminal background, the following shall apply:

a. If a ~~veteran~~ an applicant has not passed the required examination(s) for licensure, the ~~veteran applicant~~ applicant may not be issued a ~~provisional temporary~~ provisional temporary license but may request that the licensure application be placed in pending status for up to one year or as mutually agreed to provide the ~~veteran applicant~~ applicant with the opportunity to satisfy the examination requirements.

b. If additional ~~experience or education or training~~ experience or education or training is required ~~in order for the applicant's qualifications to be considered substantially equivalent,~~ the applicant may request that the board issue a ~~provisional temporary~~ provisional temporary license for a specified period of time during which the applicant will successfully complete the necessary ~~experience or education or training~~ experience or education or training. The board shall issue a ~~provisional temporary~~ provisional temporary license for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare or safety of the public unless the board determines that the deficiency is of a character that the public health, welfare or safety will be adversely affected if a ~~provisional temporary~~ provisional temporary license is granted.

c. If a request for a ~~provisional temporary~~ provisional temporary license is denied, the board shall issue an order fully explaining the decision and shall inform the applicant of the steps the applicant may take in order to receive a ~~provisional temporary~~ provisional temporary license.

d. If a ~~provisional temporary~~ provisional temporary license is issued, the application for full licensure shall be placed in pending status until the necessary ~~experience or education or training~~ experience or education or training has been successfully completed or the ~~provisional temporary~~ provisional temporary license expires, whichever occurs first. The board may extend a ~~provisional temporary~~ provisional temporary license on a case-by-case basis for good cause.

52.3(6) ~~A veteran~~ An applicant who is aggrieved by the board's decision to deny an application for a reciprocal license or a ~~provisional temporary~~ provisional temporary license or is aggrieved by the terms under which a ~~provisional temporary~~ provisional temporary license will be granted may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the board's decision. No fees or costs shall be assessed against the ~~veteran applicant~~ applicant in connection with a contested case conducted pursuant to this subrule.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/8/23.